

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
February 15, 2001

FILE

AGENDA

7:15 Dennis Quintal – Discussion – cul-de-sac lengths

Members attending: Richard A. Smith, Sr. – Chairman, John L. Fillio – Ex-officio, Dr. Robert Marston, and Alternates David G. Morse and Peter A. Riley.

Absent: Beverly A. Fillio and Alternate Edward C. Johnson.

Others attending: Maura Carriel – RPC Planner, Lawrence K. Smith – East Kingston Conservation Commission Chairman, Dennis Quintal – PE, J. Roby Day – RP Commissioner, and A. Robert Carter – Deputy Fire Chief.

Chairman Smith opened this February 15, 2001 planning board meeting at 7:04 p.m. with the role call. He then designated Alternate Peter Riley to vote in the absence of Beverly Fillio.

Incoming Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. NH DOT driveway permit for a shared driveway for MBL# 14-3-7, property owned by Robert Romano, Trustee to accommodate two lots on East Road.

Chairman Smith stated that there is no application before the board regarding a proposed subdivision for this property and that the Selectmen must be made aware to stop the building inspector from issuing any building permits on this property before the application is before the planning board and approved. He noted that the Sabatini property (formerly the UNH property on North Road) received building permits for three new houses this year and that the fire pond was to be upgraded before the houses went in.

Mr. Fillio responded that conditions like these must be made part of the conditional approval in order for the Selectmen to enforce it. He stated that he would look into this matter.

2. UNH course offered to planners – GIS For Community Decisions.
3. RCCD letter announcing that the Farmland Protection Program is now available. A total of \$30 million has been set aside to protect farmlands and that the RCCD can assist towns in the application process.
4. RPC meeting in March to discuss the recent NH Supreme Court decision in Simplex v. Town of Newington – March 14, 2001 at 7 p.m. at the Newington town office main function hall.

Planning Board Minutes: The Board reviewed minutes dated **January 18, 2001.**

MOTION: Mr. Morse motioned to approve the Planning Board minutes dated January 18, 2001 as written. Mr. Fillio seconded. With no further discussion, the motion carried 4-0 (Mr. Riley abstained).

Abutter Notification Fees Public Hearing: It was noted that scheduled public hearing to amend abutter fees has been canceled because such an amendment falls under the Town's previous approval to authorize the Selectmen to amend local fees as necessary. The Selectmen raised the fee to \$4.50 each abutter mailing at their January 29th meeting.

Vice-Chairman Position: Chairman Smith recommended the vice-chairman position be filled in March along with the annual appointment of the chairman position. No sense in doing it now and then again next month.

David Morse Subdivision Update: At the January meeting, the subdivision plan for David and Patricia Morse was approved with conditions. One of those conditions was the review of the plan by the Rockingham Planning Commission. Senior Planner Maura Carriel noted the following items to be addressed as a result of the review.

1. A notation needs to be added to sheet #1 indicating the NHDES Dredge and Fill Permit number and note #10 on sheet #2 needs to be deleted.

Mr. Morse stated that this would be done.

2. The plan needs to show the receiving areas for lots 29 and 30.

Mr. Morse stated that this would be done.

3. The plans need to show proposed well locations and protective radii for lots 29 and 30.

Discussion then ensued on whether well radiuses are typically shown on subdivision plans. It was determined that they are and that developers are not bound to place the wells in the exact locations indicated on the plan. The purpose of showing well radius on the plan is to show that the lot can accommodate a well within the outlined regulations, as the board cannot approve a non-buildable lot. The same is said for buildings on a plan. Buildings are placed on the plan to show all setbacks can be met, but the developer can relocate the buildings when actually constructing them, as long as the setbacks can still be met. The burden is then placed on the building inspector who will verify all setbacks are met prior to the issuance of a building permit.

Mr. Riley disagreed and stated that items placed on the plan must be located exactly where they are noted on the plan.

It was then noted that unless otherwise directed by the board, only sheet #1 (if more than one sheet is presented) is recorded at the Registry of Deeds. Again, the information typically placed on additional sheets includes topography, well and septic placements, buffers, etc. This information is submitted to show all setbacks have been met.

Mr. Riley stated that in his opinion, all pages should be recorded, but if only one was to be, then the "sheet 1 of 2 (or 3)" notation should be removed as not to confuse future researchers of the plan. If one sees that the recorded plan is one of two sheets, he might assume there is another recorded sheet, when in fact there is not.

It was noted that some towns require the topography to be placed on the surveyed plan that is to be recorded. Though true, it was noted that the Registry has indicated that such plans are too busy and become confusing when they are shrunk during the recording process. They encourage minimum data on all plans. Maura will research this issue and make recommendations to the board about recording practices.

4. Note #5 on sheets # 1 and 2 should be changed to correctly reference lots 29 and 30. The recorded easement for the existing well serving lot #4 should also be modified to reference lots 19, 29, and 30.

Mr. Morse agreed and further noted that the well in question will be removed once the road is put in.

5. Note #3 on sheet #1 references wetland delineations performed on the site in 1997, and the applicant was granted a waiver from performing SSS mapping in lieu of that information. However, because the plan delineates wetlands, it should have the stamp of a Certified Wetland Scientist.

Mr. Morse said that the same surveyor did both plans and that the State said he didn't need soils mapping conducted again. If he were to get the stamp, the soil scientist would be required to come back out and do the survey again.

Conservation Commission Chairman Larry Smith suggested the plan indicate the HISS mapping done earlier by placing a notation on the plan referencing the earlier plan's deed number or town subdivision case number. Members agreed.

Mr. Riley questioned whether or not the wetlands have changed since 1997 as a house and driveway have since been constructed.

Conservation Commission Chairman Larry Smith responded that the wetlands have not moved and that the house and driveway are not a big enough impact to change the wetlands configuration.

Mr. Riley stated that wetlands do change over the years.

Conservation Commission Chairman Larry Smith agreed, but not within three years. Mr. Morse was further told by the State SSS mapping would not be required as it was done three years ago.

Mr. Morse stated that he would incorporate the recommendations noted above into the plan.

Dennis Quintal - Discussion: Mr. Quintal stated that he was here to follow up on discussion held at the last meeting regarding the lengths of cul-de-sacs. He stated that he is currently working on projects for Dick Cook and Jeff Caley which involve elderly housing types of subdivisions. Because of the wetland configurations on both parcels, he would be seeking the board's input on the possibility of obtaining a waiver from the cul-de-sac length regulation of 1,000 feet.

He then presented a conceptual plan of the Cook project and noted the layout and length of the proposed road. He asked if the board would consider a waiver from the road length restriction, as he wanted to move forward with the plan. If the board would not be receptive, then he would not continue on with expensive site planning to extend the road. If the board is not receptive, he will need to reconfigure the plan. At this time the proposed road measures 2,000 feet from Route 108 and 1,600 feet from the Ashlie Road access.

Mr. Fillio questioned if a loop road would be considered a cul-de-sac, as he didn't think so. Discussion then entailed of Mr. Quintal proposing a loop road design instead of a typical cul-de-sac design.

Ms. Carriel stated she looked into the basis for the 1,000-foot measurement and checked a couple resources. Guidelines set by the Planner Advisory Service (PAS), and the American Planning Association recommend reasonable maximum lengths at 500 feet and in no case to exceed beyond 1,000 feet. The foundations for these measurements include fire suppression, emergency access, snowplowing, trash removal, school bussing, etc. Cul-de-sacs have advantages and disadvantages and the longer its length, the more the advantages are lost.

Mr. Fillio questioned the reasoning behind naming fire suppression (or any other reason) as a reason to regulate road lengths. Was it hose length?

Chairman Smith stated that the current cul-de-sac lengths have been on the books for years and have worked – the surrounding towns uphold similar measurements. He stated that roads that are too long are a mess or they put loops on them with two entrances. Setting a specific length is a good planning tool used by planning boards.

Mr. Day recalled the town being challenged in court over the length of a cul-de-sac in 1996. Glen Tebo proposed a 1,000-foot cul-de-sac off of an 800-foot cul-de-sac in Kingston to access land in East Kingston. The courts upheld the towns' decisions to deny the application. Kingston's regulation was set at 800 feet then and it still is. The judge agreed that based on only a single access, the road's design opened up safety concerns. The town picked 1,000 feet and it stood up in court.

Mr. Fillio asked why 1,000 feet, why not 1,200 feet or 1,001 feet? What was the basis for choosing 1,000 feet?

Mr. Day responded it was a judgment call.

Mr. Fillio stated that there should be a strong case to support why [specifically] 1,000 feet was adopted.

Ms. Carriel distributed a memo she generated from her research on the subject matter.

Deputy Fire Chief Rob Carter stated that fire suppression is not the only factor in setting road lengths. Access and egress is the main issue for any type of emergency. Fire codes outline how many homes should be serviced by a single road (he did not know the actual calculation), and that there should not be too many houses with only one access.

Mr. Day stated that cul-de-sac (in French) means bag with only one opening. Roads with only one opening for access and egress are considered cul-de-sacs regardless of their layout.

Members reviewed the conceptual plan for the Caley property and offered possible suggestions for multiple road accesses. Mr. Quintal thanked the board for the discussion and noted that he just wanted to get the board's take on whether a waiver request for road length would be palatable.

Masone Plan: It was noted that the Masone site plan has not yet been recorded, as a licensed land surveyor's signature would be required on the plan. Mr. Masone has since indicated to the recording secretary that he is willing to acquire the necessary signature and stamp to get it done. Because it is the board's policy not to release any signed plans/mylars back to applicants or their agents, the recording secretary would require the board's permission to turn the signed plan back over to Mr. Quintal to get the signature. Members agreed to release the plan and Mr. Quintal agreed to return the plan back to the recording secretary once appropriate signature and stamp were received and to also submit four copies of the plan with the new signature.

Capital Improvements Program: Ms. Carriel informed the board that RPC Planner Mike Garrapy would be assisting the board with updating the CIP. She stated that she is not familiar with the plan and its process thus another experienced planner has been assigned to the town for this particular project. She noted that since the budgets for 2001 have already been set, this plan should span the years of 2002 through 2008 (6 years). She offered a general letter from the board to other department heads to solicit their input of future capital projects. With the completion date set for June 30th, she suggested the board start the process right away. Once the future project lists are submitted, Mr. Garrapy will meet with the board to prioritize the items. Members reviewed the letter and agreed to have it forwarded to department heads as soon as possible.

Rockingham Planning Commissioner: It was noted that Rockingham Planning Commissioner Roby Day's term expires in April 2001.

MOTION: Mr. Fillio motioned to recommend the Selectmen reappoint Roby Day as Rockingham Planning Commissioner. Dr. Marston seconded.

DISCUSSION: Mr. Day stated that he was interested in continuing to serve in that position.

The motion carried 5-0.

2001 Zoning Ballot: Members reviewed the 2001 Zoning Ballot as it is to be presented at Town Election in March. Noting it has already been sent to the printers, members requested two grammatical changes be implemented before the new 2001 Zoning Books go to print.

Preserving Rural Character Through Agriculture Video: Conservation Commission Chairman Larry Smith picked up the PRCTA video that goes with the large binder the board has on the same subject matter. The recording secretary will track down the binder's whereabouts and turn it over to the chairman.

Member Resignation: Mr. Riley announced that due to his work schedule and personal issues, he would be resigning from the board effective immediately. He agreed to submit this in writing for the record.

David Morse Subdivision: Mr. Morse inquired if the board regularly grants preliminary approval on plans. He explained that he wants verification from the board that he can accommodate 42 bedrooms for an elderly housing development on his property without being held to a specific building design. He said he couldn't get people to invest or buy the project without approval for the size.

Ms. Carriel stated that some towns have a procedure for preliminary approval within the conceptual stage; however, she thinks what Mr. Morse is asking for will come out of the site plan review process.

The plan at the public hearing for site plan review can show the building footprint, wells and septic locations, and road to show that all the setbacks can be met.

Mr. Morse asked what would happen if someone bought the project and wanted four buildings instead on two?

It was noted that as long as the developer met the setbacks, building design could be changed, though major changes to the plan would require a re-review of the plan.

Mr. Morse said he had no problem going through the site plan review process, though he still does not understand why he couldn't do both the subdivision and the site plan review at the same time. He was informed that until the subdivision plan was approved and recorded, he could not move forward on the site plan.

Impact Fees: Chairman Smith inquired if the board was interested in writing an ordinance for impact fees. Different types of developments result in different types of impacts. Some departmental impacts could include the school, roads, fire department, police department, health inspection, and building inspection. Members agreed to look into it. Ms. Carriel stated that she preferred to get another planner involved, as she is not well versed to give guidance on it. She will try to get someone from RPC to come to the next meeting to discuss it.

Town Engineer: Mr. Morse asked if the board knew the reason why the Town uses an out of state town engineer. Jay Stephens of Civil Consultants from Maine is the Town Engineer. He asked why a local company could not be used.

Members responded that this firm specializes in town engineering issues and that it came highly recommended. Local companies might pose a conflict with projects they themselves might propose.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mr. Fillio seconded. With no further discussion, the motion carried 5-0 and this February 15, 2001 Planning Board meeting ended at 8:46 p.m.

Respectfully submitted,

Catherine Belcher, Secretary

Minutes completed and on file February 16, 2001.

Approved: 3/15/01